

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1372 OF 2003
IN
SUIT NO.2956 OF 2000

Bipin Shantilal Dalal .. Plff

versus

Mahendra Shantilal Dalal & ors.. Defts

Mr.D.V.Merchant i.b Shah & Sanghavi for Plff

Mr Dinesh P.Shah i/b Shukla & Shukla for Deft nos. 1
& 8.

CORAM : D.G. KARNIK, J

DATED : 29th April 2005.

P.C:-

1. Heard learned counsel for the plaintiff and the defendant nos. 1 and 8. None present for defendant nos. 2 to 7.

2. Learned counsel for the defendant nos. 1 and 8 states that the defendant nos. 1 and 8 claims the property under a will and that they have filed two

Testamentary Petition Nos. 652 of 2001 and 653 of 2001 and for probate of the wills of late Shantilal Dalal and Smt Sitaben Shantilal Dalal. Since the suit is filed for the administration of estate of late Shantilal Dalal and late Smt Sitaben Dalal, hearing of the present suit cannot be expedited until the probate petitions are heard. If the probate petitions are allowed, the present suit may become infructuous. In the circumstances, motion is disposed of with liberty to the plaintiff to apply again after disposal of the probate petitions.

D.G.KARNIK, J